

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/578,993 Confirmation No. : 5104  
Applicants : Eugene Sherry et al.  
Filed : May 11, 2006  
Title : GAUGE FOR USE IN A SURGICAL PROCEDURE  
Group Art Unit : 2841  
Examiner : Amy Cohen Johnson  
Customer No. : 28289

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants hereby submit this Information Disclosure Statement ("IDS"). Pursuant to 37 C.F.R. § 1.98 (a), a legible copy of each reference cited in this Information Disclosure Statement is provided herein. The cited United States patent is not enclosed pursuant to the waiver of this requirement under 37 C.F.R. § 1.98(a)(2)(i).

Pursuant to 37 C.F.R. § 1.97(e)(1), this IDS is being submitted after the issuance of a Notice of Allowance, but before the payment of the issue fee. Each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. Specifically, Applicants received a Supplemental European Search Report in Patent Application Number EP 04 79 7017, which is a counterpart foreign application. The Supplemental European Search Report was mailed on October 15, 2008. A copy of the

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on November 7, 2008.

Mary Ann Mulvihill

(Name of Person Submitting Paper)

  
Signature

11/07/2008  
Date

Supplemental European Search Report is enclosed for the Examiner's convenience. All of the references cited in this IDS were first cited in the October 15, 2008 Supplemental European Search Report.

All of the translations or partial translations within the possession, custody or control of, or readily available to, individuals designed under 37 C.F.R. § 1.56(c) for the instant application have been enclosed. The enclosed translation is a partial translation of SU 988275, which also serves as a concise explanation of the relevance of this reference.

Pursuant to 37 C.F.R. §§ 1.97(c) and 1.17(p), a fee of \$180.00 is enclosed for the submission of this IDS, as it is being submitted after the mailing date of a Notice of Allowance under § 1.311 and before the mailing date of the payment of the issue fee. The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650.

The Applicants submit that they have complied with the requirements set forth in 37 C.F.R. §§1.56, 1.97 and 1.98, and therefore respectfully request that this Information Disclosure Statement and the cited references be considered and made of record.

Respectfully submitted,

THE WEBB LAW FIRM

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